

Appln No. 09/764,936
Amdt date July 28, 2006
Reply to Office action of March 9, 2006

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office action mailed March 9, 2006. Claims 1-3, 7-12, 14 and 15 have been amended. Claims 4-6 and 13 have been cancelled without prejudice. Claims 16 and 17 have been added. Accordingly, claims 1-3, 7-12 and 14-17 are presently in the application.

On May 22, 2006, a personal interview was conducted with Examiner Henry Bennett. During the interview, claim 1 was discussed as was the Sutter reference. It was noted that in the specification of Sutter the clearance hole 97e of FIG. 13 is described as being "a short cylindrical section." Col. 8, lines 10-11. Accordingly Sutter does not teach that "an upper portion of the bore has a diameter less than the region of largest diameter" as recited in proposed claim 1. It was also noted that Sutter does not teach a shoulder and seat arrangement, as in the figures of the present application. The Examiner recommended that the claims recite the environment of use. No agreement was reached. The undersigned wishes to thank the Examiner for the time and attention devoted to the interview.

On page 2 of the Office action, claims 1-3 and 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutter.

Claims 1 and 15 of the application recite that "an upper portion of the bore has a diameter less than the region of largest diameter wherein said bushing is loss-proof pressed in said bore." The Office action asserts that Sutter describes a bushing 101 "fitted in bearing member 97 in such a way that it is held in place." Applicant respectfully disagrees. At column 8, lines 10-18, Sutter recites a "clearance hole 97a compris[ing] a short cylindrical section at its end facing away from the bearing surface 97b" that extends to "an entrance section converging toward the bearing surface and having the shape of a spherical zone" with an end section which "diverges toward the bearing surface 97 in the form of a conical surface." Thus, there is no reduced diameter section to hold the bushing 101 in place because the end of the clearance hole 97a that faces away from the bearing surface 97b is cylindrical and would allow the bushing 101 to slip out of the clearance hole 97a.

Appln No. 09/764,936
Amdt date July 28, 2006
Reply to Office action of March 9, 2006

Fig. 13 is not sufficient, in and of itself, to describe a reduced diameter bore at the upper end of the bore, especially in view of the accompanying written text in the specification, which describes a cylindrical section at the upper end of the bore. It is also noted that the present application at page 4, line 19 to page 5, line 12, describes Sutter and, in particular the spherically curved surfaces of the bore and bushing, then identifies the problem that "the bushing can fall out of the bore." The present invention overcomes this problem. Accordingly, claims 1 and 15 are not believed to be anticipated by Sutter.

On page 2 of the Office action, the Examiner rejects claims 1-3 and 8-15 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that claim 1 recites "threadless," which the Examiner alleges is "a negative limitation without any bases of critically set forth in the specification." Applicant respectfully disagrees. Page 15, line 9 through page 16, line 5 describes a form-locking engagement where the screws are "completely inserted" into the seats of the bushings. This permits swiveling until the head is deeper in the seat. In view of the above, Applicant respectfully requests that the rejection of claims 1 and 15 under 35 U.S.C. 112 be withdrawn.

Claims 2-3 and 7-12 depend from claim 1. Since claims 2-3 and 7-12 depend from claim 1 and because they contain additional limitations further distinguishing these claims from the cited prior art when considered as a whole, these claims are also believed to be patentable.

Claim 14 has been amended to recite "an upper portion of the inside surface of the bearing element has a diameter less than the region of largest diameter." This limitation is similar to that in claims 1 and 15. Accordingly, claim 14 is also believed to be patentable over Sutter.

New claim 16 has been added to more completely cover certain aspects of the invention. Claim 16 recites that "wherein the head of the screw has a substantially cylindrical upper portion and a bottom portion between the upper portion and the shaft with a different curvature than the upper portion and extending radially inwardly." Sutter et al. '921 describes in column 4, lines 59-62 a screw with a head that "is bounded at its periphery by a conical surface 9c" that


Appln No. 09/764,936
Amdt date July 28, 2006
Reply to Office action of March 9, 2006

"converges from the free end of the head 9b toward the threaded portion 9a" and in column 9, lines 33-34 a screw with a head that "is slightly convex and shaped as a spherical zone." Thus, Sutter et al. '921 does not describe a head with a shape as recited in claim 16. Accordingly, claim 16 is not believed to be anticipated. Claim 17 in addition recites "wherein the seat has an upper portion and a lower portion corresponding in shape to the upper and lower portions of the head such that the head and seat fit together in a form-locking configuration." For this additional reason claim 17 is believed to be patentable over the cited art.

On December 13, 2005, Applicant requested an acknowledgment of the May 3, 2004 Information Disclosure Statement. To date, Applicant has not received an acknowledgment of receipt and consideration of the IDS mailed May 3, 2004. Enclosed is a copy of the Information Disclosure Statement bearing a certificate of mailing of May 3, 2004. It is requested that the PTO Form 1449 accompanying the enclosed Information Disclosure Statement be initialed acknowledging consideration and returned to the undersigned.

In view of the above, applicant respectfully requests reconsideration of the application and the allowance of claims 1-3, 7-12, and 14-17.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Mark Garscia
Reg. No. 31,953
626/795-9900

MEG/nmd

CKS PAS689802.1-*07/28/06 10:45 AM